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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,896	09/11/2003	Timothy Courtland Reichelt	16461-002001	6973
25225	7590	10/01/2004	EXAMINER	
MORRISON & FOERSTER LLP 3811 VALLEY CENTRE DRIVE SUITE 500 SAN DIEGO, CA 92130-2332			CRAWFORD, GENE O	
		ART UNIT	PAPER NUMBER	3651

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/660,896	REICHELT ET AL.
	Examiner Gene O. Crawford	Art Unit 3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                |                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                           | Paper No(s)/Mail Date. ____ .                                               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/8/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                                                | 6) <input type="checkbox"/> Other: ____ .                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8, 9, 11-19, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahlin et al.

The automated item dispensing system disclosed by Ahlin et al. includes all the claimed features and in particular includes: **(claim 1)** at least one dispenser 223 capable of dispensing an item; at least one local controller 37 in communication with a respective dispenser for controlling and monitoring the dispenser (column 21, lines 52-57); a central controller 20, 22 for receiving and processing electronic item orders from at least one user (column 22, lines 20-22); a communication network for providing communication between the local controller 37, 38, the central controller 20, 22, the at least one user 45 and at least one supplier 24 as broadly claimed; the dispenser including at least one rotatable carousel 32 located internal to the dispenser, the carousel including at least one cell defined by two side walls extending from a central location of the carousel (figure 2); an access hatch 224 aligned with the carousel for accessing an interior of the at least one cell; and a motor for rotating the carousel

(column 21, lines 55-61); (**claim 2**) the system includes the step of at least one supplier delivering an item to a location of the dispenser in response to a communication received via the communication network; (**claims 3, 4**) where the supplier delivers the item to a cell of the carousel as broadly claimed (column 7, lines 52-65); (**claim 8**) the local controller 37, 38 performing reporting to the central controller the amount of an item within the dispenser (column 8, lines 55-67); (**claim 9**) wherein the local controller includes a reader and writer of a dynamic storage device 38 that stores information in relation to the user; (**claim 11**) the central controller 20, 22 performs monitoring an amount of items within the dispenser (column 8, lines 55-67); (**claim 12**) the local controller and central controller both being computers; (**claim 13**) the suppliers 24 communicate with the dispenser via the central controller 20, 22; (**claim 14**) the communication network being an intranet; (**claim 15**) the motor being attached to the carousel by a shaft located central to the carousel; (**claims 17, 18**) the access hatch is lockable and the local controller controls locking and unlocking of the access hatch (column 21, lines 18-35); (**claim 19**) the items to be dispensed are located within the cell of the carousel 32; and (**claims 22, 23**) the user being capable of determining item quantities directly with the local controller 37 through use of a keyboard.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7, 10, 20 and 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlin et al. in view of Yeadon.

The automated dispensing system and dispenser for use therewith and method thereof disclosed by Ahlin et al. includes at least one rotatable carousel 32 located within a cabinet 223; an access hatch 224; a motor for rotating the carousel 32; a local controller 37, 38 for controlling rotation of the carousel 32 and monitoring availability of an item located within a cell of the carousel; a central controller 20, 22 and a communication network for providing communication between the local controller 37, 38, central controller 20, 22, at least one user 45 and at least one supplier 24. Ahlin et al. does not disclose the broad teaching of providing a temperature controlled dispensing cabinet. However, Yeadon discloses an automated dispensing system including a temperature controlled dispensing cabinet. It would have been obvious to one of ordinary skill in the art to provide Ahlin et al. with a temperature controlled dispensing cabinet to facilitate dispensing of medical items that need to be stored at cooler temperatures to maintain their usefulness as taught by Yeadon.

With regard to claim 10, Ahlin et al. does not disclose a dynamic storage device that is a smart card or the like. However, Yeadon discloses the broad teaching of providing an automatic dispensing system with the dynamic storage device that includes a smart card. It would have been obvious to one of ordinary skill in the art to provide the automated dispensing system disclosed by Ahlin et al. include a dynamic storage

device including a smart card to facilitate providing information through the closed loop system as to who has access and received medication therefrom as taught by Yeadon.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlin et al. in view of Wallace et al (6,735,497).

With regard to claim 21, Wallace et al. includes all the claimed features but does not disclose a user being able to determine inventory levels remotely via email. However, Wallace et al. discloses the broad teaching of providing an automated dispensing system with an email system for remotely monitoring inventory levels. It would have been obvious to one of ordinary skill in the art to provide the automated system of Ahlin et al. include an email system for allowing remote monitoring of inventory levels of the dispenser as taught by Wallace et al.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are cited to show the art with respect to automated dispensing systems a having temperature control means and carousel dispensing means: Colson, Jr. et al., Wan et al., Schoenfeld, and Wilson et al.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene O. Crawford whose telephone number is 703/305-9733. The examiner can normally be reached on Monday thru Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 703/308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gene O. Crawford  
Primary Examiner  
Art Unit 3651

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